IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 18TH OCTOBER 2006 / 26TH ASWINA 1928

Bail Appl..No. 6113 of 2006

CRMP.3199/2006 of SESSIONS COURT, PALAKKAD
CRIME NO.163/2006 OF KOTTAYI POLICE STATION

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PETITIONER/ACCUSED:

MANIKANDAN, S/O. ARU,
AGED 32 YEARS, THEKKEMADAM HOUSE,
PERINGOTTUKURISSI, ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE S.I. OF POLICE,
KOTTAYI POLICE STATION.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 6113/2006

DATED THIS THE 18TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is accused in crime No.163/2006 of Kottayi Police station, for the offence punishable under Section 8(2) of the Abkari Act. It is alleged that he was found in illegal possession of nine litres of illicit arrack and one glass for the purpose of sale of the arrack. He could not be arrested when the police party seized the contraband on 5.9.2006 at 10.30 a.m. Now he is before this Court, for a pre-arrest order.

2. The submission of the learned counsel is that the information, allegedly given by both Sivadas and Manikandan to the police, is false and the affidavits had been filed to that effect before the Sessions Court, swearing that they had not given any information, as claimed by the police basing on which the crime had been registered. The counsel further submits that after the filing of such affidavits the police threatened them.

Therefore, they had not come before this Court in preferring such affidavits and this is a false case foisted by the police against the petitioner.

3. I heard the arguments advanced by the learned Public Prosecutor also. It is submitted by the prosecution that on seeing the police officials, the petitioner had ran away and escaped.

4. After appreciating the facts that are placed before me, I direct the petitioner to surrender before the Investigating Officer in crime No. 163/2006 of Kottayi Police Station, on 27.10.2006 between 10.00 a.m and 10.30 a.m.

5. The Investigating Officer shal interrogate the petitioner and in the event of his arrest, he shall be released on bail, on he executing a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs